

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 8, 2001

DIVISION ONE

B138754 Morady et al. (Not for Publication)
v.
Gorinstein

The judgment is reversed, and the cause is remanded to the trial court with directions to vacate its order denying Dr. Gorinstein's motion for judgment notwithstanding the verdict, and enter a new order granting the motion. Dr. Gorinstein is entitled to his costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B133851 Tucker
v.
County of Los Angeles

Filed order denying petition for rehearing.

DIVISION TWO

B147238 People (Not for Publication)
v.
Wilson

The judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B144350 People v. Clark (Not for Publication)

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B147934 Yaghoubian (Not for Publication)
v.
Rite Aid et al.

The order of dismissal and the order denying relief from the dismissal are reversed. On remand, the trial court is directed to award respondent reasonable compensatory legal fees and costs as required by the mandatory provisions of section 473, subdivision (b), and to consider whether penalties or other relief authorized by section 473, subdivision (c)(1) should be imposed. The parties are ordered to bear their own costs of appeal.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION TWO (Continued)

B141842 Toscano (Not for Publication)
v.
Toscano

The judgment is reversed as to the trial court's invalidation of the September 26, 1994 deed of trust on the Broadway property and the court's conclusion that it lacked jurisdiction to determine the validity of other liens obtained by Fox. It is otherwise affirmed. The matter is remanded for further proceedings consistent with this opinion. Appellant Fox is ordered to pay costs of appeal to respondent Sandra R. Toscano and appellant Oscar E. Toscano.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION THREE

B150897 People (Not for Publication)
v.
Stevens

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

DIVISION FOUR (Continued)

B149300 People
 v.
 Corral

Merits:

Argued by Phyllis C. Asayama, deputy district attorney, for appellant and by Howard J. Shopenn for respondent. Cause submitted.

B146712 Los Angeles Police Protective League
 v.
 City of Los Angeles

Merits:

Argued by Diane Marchant for appellant and by Gregory P. Orland, deputy city attorney, for respondent. Cause submitted.

B145238 People
 v.
 Hernandez

Merits:

Argued by Nancy J. King for appellant and by Richard T. Breen, deputy attorney general, for respondent. Cause submitted.

B133833 Verret
 v.
 City National Bank

Merits:

Argued by Henry G. Bodkin, Jr. for respondent. No appearance made by counsel for appellant. Cause submitted.

DIVISION FOUR (Continued)

B145028 Hershman et al.
 v.
 New Line Productions, Inc., et al.

Merits:
Argued by John A. Lawrence for appellants and by Stephen M. Caine for respondents. Cause submitted.

B139305 Wetlands Action Network
 v.
 City of Los Angeles and Playa Capital Co., et al.

Merits:
Argued by David H. Williams for appellant, and by Susan S. Azad for respondent Playa Capital Co., et al. and by Susan D. Pfann for respondent City of Los Angeles. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B145551 People
 v.
 Colbert

Merits:
Argued by Laini Millar Nelnick for appellant and by Jason C. Tran, deputy attorney general, for respondent. Cause submitted.

DIVISION FOUR (Continued)

B149294 Los Angeles County, D.C.F.S.
 v.
 Hermila A.

Merits:
Argued by Craig E. Arthur for appellant and by Lois D. Timnick, deputy
county counsel for respondent. Cause submitted.

B137777 Kretchmer
 v.
 Kretchmer

Merits:
Argued by Stephanie Segal Kretchmer for appellant and by Robert A. Olson
for respondent. Cause submitted.

B143249 Gilian et al.
 v.
 State Farm Mutual Automobile Insurance Company

Merits:
Argued by John W. Phillips for appellants and by Karen M. Bray for
respondent. Cause submitted.

B149382 Nam Tai Electronics
 v.
 Titzer

Merits:
Argued by Michael J. Quinn for appellant and by Lee G. Werner for
respondent. Cause submitted.

DIVISION FOUR (Continued)

B140475 Prince
v.
Out Publishing, Inc., et al.

Merits:
Argued by Henry J. Josefsberg for appellant and by Walter R. Sadler for respondents. Cause submitted.

B144166 Sperline
v.
Sperline

Merits:
Argued by James F. Rusch for appellant and by H. Charles Fishbein for respondent. Cause submitted.

B143894 California I.C. Company
v.
West-Pacific Industries, Inc.

Merits:
Argued by Richard L. Mikesell for appellant and by Steven M. Hanle for respondent. Cause submitted.

Each of the following:

B145427 People v. Smith
B144156 People v. Crayon
B147386 People v. Duncan
B145536 People v. Villa
B151866 Zora T. v. Superior Court (D.C.F.S.)
B152681 Wendy A. v. Superior Court (D.C.F.S.)
B148433 D.C.F.S. v. Rogelio M.
B150691 D.C.F.S. v. Rogelio M.
B143971 D.C.F.S. v. Cedric P.
B145884 Lee v. Hoffman

Argument waived, cause submitted.

DIVISION FOUR (Continued)

Court adjourned.

B151866 Zora T. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition for writ of mandate is denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B128851 People (Not for Publication)
v.
Buckhalter

For the foregoing reasons, the matter is remanded to the trial court with directions to determine all actual days appellant has spent in custody on this matter, whether in jail or prison, and award such credits, and to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting this award and the \$200 fine imposed pursuant to Penal Code section 1202.4. In all other respects the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FIVE

B145468 Avaco Textiles (Not for Publication)
 v.
 L.N.A. Associates

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Willhite, J. (Assigned)

B149413 Bruce Froehlich (Not for Publication)
 v.
 The Heritage Escrow Company

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Willhite, J. (Assigned)

B147251 People (Not for Publication)
 v.
 Israel Arroyo

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

DIVISION FIVE (Continued)

B149963 People (Not for Publication)
v.
Alfredo Gomez

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B146726 People (Not for Publication)
v.
Kenneth Naranjo

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

B146312 People (Not for Publication)
v.
Derek Potts

Appellant's conviction for receiving stolen property is reversed. As modified, the judgment is affirmed.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B146921 People (Not for Publication)
v.
Michael Mendibles

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

B140245 Nicholas Franke et al. (Not for Publication)
v.
4418 Moorpark Way, Ltd., et al.

The order granting summary judgment for VDA is reversed. As to VDA, the underlying orders granting summary adjudication are reversed as to the first, third, fourth, fifth and seventh causes of Franke's complaint. The order granting VDA summary adjudication of Franke's sixth cause of action is affirmed. The order imposing sanctions against Dunstan and Franke is reversed. The summary judgment for Mills is also reversed. Appellants to recover their costs on appeal.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

B149133 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Wanda C.

The appeal is dismissed as abandoned.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (Continued)

B149133 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Anthony W.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Mosk, J.

B144216 People (Not for Publication)
v.
Leeso Jackson

The Penal Code section 12022.53, subdivision (b) firearm use enhancement of the second robbery conviction (count 5) is modified to 10 years. Defendant's aggregate sentence is modified to 75 years to life. A parole revocation restitution fine of \$500 is imposed and stayed pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
Mosk, J.

B144765 People (Not for Publication)
v.
Sanders

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

[illegible]

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B148079 Linsley (Not for Publication)
v.
Fox Television Stations, Inc., et al.

The judgment is affirmed. Linsley is to pay Fox TV and Fox Film's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B148196 Office Electronics, Inc. (Not for Publication)
v.
Deliberto

The judgment is reversed. The trial court is directed to enter a new and different order granting the motion for judgment on the pleadings with leave to amend. Each party to bear their own costs.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

B152155 The People ex rel. Allstate Insurance Company (Not for Publication)
v.
Superior Court, Los Angeles County
(Douglas W. Weitzman, r.p.i.)

A peremptory writ shall issue directing respondent court to vacate its order of August 7, 2001, striking petitioner's challenge pursuant to Code of Civil Procedure section 170.6 and enter a new and different order accepting the challenge for filing as of July 27, 2001, and transferring Los Angeles Superior Court case Number BC179468 to the presiding judge for reassignment. Any rulings by Judge Lager after July 27, 2001, in Los Angeles Superior Court case number BC179468 are null and void. No costs are awarded in this proceeding.

Grignon, J.

We concur: Turner, P.J.
Mosk, J.

DIVISION FIVE (Continued)

B146359 People (Not for Publication)
v.
Ilija Leo Samanc

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B145626 People (Not for Publication)
v.
James Franklin Wilson, Jr.

Appellant's conviction for possession of a controlled substance in violation of Health and Safety Code 11350, subdivision (a), is reversed. The judgment of conviction is affirmed in all other respects. The clerk of the superior court is instructed to prepare an amended abstract of judgment reflecting this reversal and to deliver the amended abstract to the Department of Corrections.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B145940 People
 v.
 McKenney

Filed order denying petition for rehearing.

DIVISION SIX (Continued)

B141329 Meyer (Not for Publication)
v.
Secured Investment Advisors

The judgment is affirmed. Costs to respondents.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B143534 Toombs (Not for Publication)
v.
California Department of Corrections

The judgment is affirmed. Costs are awarded to respondent.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B144394 Vaughan (Not for Publication)
v.
Jacobs & Jacobs

The judgment of dismissal is reversed. Vaughn is awarded attorneys' fees and costs on appeal, in an amount to be determined on motion in the trial court.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

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DIVISION SIX (Continued)

B145721 Jones (Not for Publication)
v.
Thomas et al.

The judgment is affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B145553 People (Not for Publication)
v.
Jiles

Accordingly, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B146802 Hankins (Not for Publication)
v.
Hankins

The judgment is affirmed. Appellant shall bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (Continued)

B138127 People (Not for Publication)
v.
Nova

The appeal is dismissed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B144657 People (Not for Publication)
v.
Myers

The judgment and sentence are affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B145908 Vallier (Not for Publication)
v.
Board of Retirement, Santa Barbara County
Employees' Retirement System

The judgment is affirmed. Costs to respondent.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.